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RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

March 21, 2023

Submitted electronically to: Senate.Finance@akleg.gov

Senate Finance Committee
State of Alaska Legislature

Re: Support for Implementation of State Primacy over CWA 404 Permitting Authority

Dear Senate Finance Co-Chairs Stedman, Hoffman, and Olson, and Members of the Committee:

The Resource Development Council for Alaska, Inc. (RDC) writes in support of taking all necessary steps to give effect to the statutory authority for the State of Alaska to implement state primacy of Section 404 of the federal Clean Water Act (CWA), including funding authorization. Section 404 regulates the discharge of dredged or fill materials into waters and wetlands. With the passage of SB 27 (28th Legislature) in 2013, RDC has a long record supporting this effort and is encouraged by the State Department of Environmental Conservation's (DEC) recent feasibility study dated January 26, 2023. It is now time for implementation.

RDC is a statewide trade association comprised of individuals and companies from Alaska's fishing, tourism, forestry, mining, and oil and gas industries. RDC's membership also includes Alaska Native corporations, local communities, organized labor, and industry support firms. Since 1975, RDC's purpose has been to encourage a strong, diversified private sector in Alaska and expand the state's economic base through our mission of growing Alaska through responsible resource development.

RDC supports and encourages our elected officials to promote an effective, efficient, and rigorous environmental permitting process. A stable permitting process promotes a robust private sector to build a diverse economy. Primacy will streamline permitting and reduce costs without sacrificing Alaska's stringent environmental standards. The State has a proven record assuming primacy programs, including the Clean Air Act, Safe Drinking Water Act, and the CWA National Pollutant Discharge Elimination System.

With 404 primacy, project owners will benefit from State control over permitting of projects that involve dredging or filling, site improvement for residential, commercial, as well as recreational developments. Such permits are required for nearly all development projects in Alaska. Currently, review is required by the Army Corps of Engineers, the EPA, the State DEC, and State DNR. Supporting implementation of state primacy over the 404 program will also ensure we are well-positioned to efficiently permit projects supported with funding from the federal Infrastructure, Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA).

At a time when uncertainty in federal permitting is the only thing that seems certain, maximizing local control of our permitting programs is more critical than ever. Thank you for your attention in this matter.

Sincerely,

Leila Kimbrell
Executive Director

